



AN EDUCATIONAL SERVICE OF THE
COLORADO RIVER WATER CONSERVATION DISTRICT

“Are Water Rights Right?”

Colorado’s system of water rights is sometimes seen as being antiquated, unfair and not in step with today’s society. While it is an old system of allocating water, having been used since the mid-1800’s, its foundation on basic human behavior makes it a timeless and equitable way of managing a scarce resource.

The water rights system is a necessary by-product of having too little of an essential resource -- water -- and too many uses or users competing over it. Unlike the much wetter eastern United States where rain is plentiful and crops can be grown without irrigation, the western U.S. receives from 1/5th to 1/10th of the moisture that naturally occurs in the east.

The first water conflicts in Colorado began when it was still a territory and miners flooded into Colorado in search of wealth. Miners used great quantities of water to wash their diggings to reveal precious ores or to use hydraulic mining techniques that scoured away mountainsides to expose valuable minerals. These hardscrabble miners were not always well educated, nor did they always understand English, but they did understand human nature. Just as the miners accepted that the first person to lay claim to a piece of land for mining purposes should be entitled to work that land without being “jumped” by other miners that arrived later, so did they see it would be equally fair that the first person to use water should be able to continue to use water without the interference of other water users that came afterwards.

By using the basic principle of “First in time, first in right” to settle water use disputes, the western water rights system evolved. The same principle of first in time, first in right functions to resolve other kinds of disputes such as when parents settle arguments between children fighting over toys and is demonstrated whenever any line forms to allocate limited quantities of an item such as merchandise or concert tickets.

But is this fair? Invariably, yes. Maintaining a stable society and a stable economy requires a rock-solid foundation upon which to build. Colorado would be a very difficult place to live if you’d never know if your water supply could disappear in an instant as new water users would simply dry up your supply for a new purpose. Towns, cities, farms, ranches and businesses would wither overnight if traditional users could be denied the water they had historically relied upon by another system of allocating water that did not recognize seniority.

Because of our water right's system, we know how secure our water supply is in times of shortage. We can rest assured that there is a fair system for resolving disputes that we've recognized was equitable since our childhood years and gives us the stability to go about our daily lives without wondering if water will ever come out of our faucets again.

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